

CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:17-mj-00417-1
*Internal Use Only***

Case title: USA v. Broussard

Date Filed: 03/30/2017

Other court case number: 3:16-cr-479 Northern District of TX, Date Terminated: 04/12/2017
Dallas Division

Assigned to: Magistrate Judge
Stephen Smith

Defendant (1)

Donald Ray Broussard
TERMINATED: 04/12/2017

represented by **Federal Public Defender – Houston**
440 Louisiana
Ste 310
Houston, TX 77002
713-718-4600
Fax: 713-718-4610
Email: hou_ecf@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Gerardo S Montalvo
The Montalvo Law Firm PLLC
Park Central Plaza
1111 North Loop West
Ste 820
Houston, TX 77008
713-526-5002
Fax: 713-526-5018
Email: montalvolaw@sbcglobal.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Philip G Gallagher
Office of the Fed Pub Def
440 Louisiana
Ste 1350
Houston, TX 77002-1634
713-718-4600
Email: philip_gallagher@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition**Highest Offense Level
(Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level
(Terminated)**

None

Complaints

21:846=CD.F Conspiracy to
Distribute a Controlled Substance

Disposition

Deft to appear in the Northern District of Texas –
Dallas

Plaintiff

USA

Date Filed	#	Page	Docket Text
03/30/2017	<u>1</u>	4	Copy of Sealed Indictment as to Donald Ray Broussard from Northern District of TX, Dallas Division, case number 3:16-cr-479, filed.(gkelner, 4) (Entered: 03/30/2017)
03/30/2017		12	Arrest (Rule 40) of Donald Ray Broussard, filed. (gkelner, 4) (Entered: 03/30/2017)
03/30/2017		11	***Set Hearing as to Donald Ray Broussard: Initial Appearance – Rule 40 set for 3/30/2017 at 02:00 PM in Courtroom 703 before Magistrate Judge Stephen Smith (gkelner, 4) (Entered: 03/30/2017)
03/30/2017	<u>2</u>	13	Minute Entry for proceedings held before Magistrate Judge Stephen Smith: INITIAL APPEARANCE IN RULE 5(c)(3) PROCEEDINGS as to Donald Ray Broussard held on 3/30/2017. Defendant requests appointed counsel. Financial Affidavit executed. Order appointing Federal Public Defender. Status Hearing set for 3/31/2017 at 10:00 AM in Courtroom 703 before Magistrate Judge Stephen Smith Appearances:Michael Kusin, AUSA.(ERO:S. Guevarra) Deft

			remanded to custody, filed.(gkelner, 4) (Entered: 03/30/2017)
03/30/2017	<u>3</u>	14	Sealed Financial Affidavit CJA 23 by Donald Ray Broussard, filed. (Entered: 03/30/2017)
03/30/2017	<u>4</u>	15	ORDER APPOINTING FEDERAL PUBLIC DEFENDER Federal Public Defender – Houston for Donald Ray Broussard (Signed by Magistrate Judge Stephen Smith) Parties notified. (gkelner, 4) (Entered: 03/30/2017)
03/31/2017		16	NOTICE OF ATTORNEY APPEARANCE Philip G Gallagher, Federal Public Defender, in case as to Donald Ray Broussard, filed.(Gallagher, Philip) (Entered: 03/31/2017)
03/31/2017	<u>5</u>		Pretrial Services Report (Sealed) as to Donald Ray Broussard, filed. (pturner,) (Entered: 03/31/2017)
03/31/2017	<u>6</u>	17	Appearance Bond Entered as to Donald Ray Broussard in amount of \$50,000 unsecured,, filed. (gkelner, 4) (Entered: 04/03/2017)
03/31/2017	<u>7</u>	19	ORDER Setting Conditions of Release as to Donald Ray Broussard (1) \$50,000 unsecured (Signed by Magistrate Judge Stephen Smith) (Attachments: # <u>1</u> Unredacted attachment) Parties notified. (gkelner, 4) (Entered: 04/03/2017)
03/31/2017	<u>8</u>	31	STATUS CONFERENCE Minute Entry for proceedings held on 3/31/2017 before Magistrate Judge Stephen Smith as to Donald Ray Broussard Defendant appeared with counsel. Order appointing private counsel to be entered, Defendant waives Identity and Waiver of Rule 5 & 5.1 Hearings executed, Deft on bond to appear in originating district. Oral motion for FPD to withdraw is granted. Gerry Montalvo appointed. Appearances: AUSA Michael Kusin f/USA; Gerardo Montalvo (CJA) f/Deft.(ERO:Yes) (Interpreter: No) (Pretrial Officer: FT) Deft continued on bond, filed.(kmurphy, 4) (Entered: 04/12/2017)
03/31/2017	<u>9</u>	32	ORDER APPOINTING COUNSEL for Defendant Donald Ray Broussard. Gerardo Montalvo appointed. (Signed by Magistrate Judge Stephen Smith) Parties notified. (kmurphy, 4) (Entered: 04/12/2017)
03/31/2017	<u>10</u>	33	WAIVER of Rule 5 & 5.1 Hearings by Donald Ray Broussard, filed.(kmurphy, 4) (Entered: 04/12/2017)
04/12/2017		34	RULE 5 Papers sent via email to Northern District of Texas Division as to Donald Ray Broussard(kmurphy, 4) (Entered: 04/12/2017)

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:25551285@txs.uscourts.gov
Subject:Activity in Case 17-417 Sealed v. Sealed (Redacted Notice)
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 3/30/2017 at 12:09 PM CDT and filed on 3/30/2017

Case Name: USA v. Broussard

Case Number: 4:17-mj-00417 *SEALED*

Filer:

Document Number: No document attached

Docket Text:

*****Set Hearing as to Donald Ray Broussard: Initial Appearance – Rule 40 set for 3/30/2017 at 02:00 PM in Courtroom 703 before Magistrate Judge Stephen Smith (gkelner, 4)**

4:17-mj-00417 *SEALED*-1 No electronic public notice will be sent because the case/entry is sealed.

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:25551280@txs.uscourts.gov
Subject:Activity in Case 17-417 Sealed v. Sealed (Redacted Notice)
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 3/30/2017 at 12:09 PM CDT and filed on 3/30/2017

Case Name: USA v. Broussard
Case Number: 4:17-mj-00417 *SEALED*
Filer:

Document Number: No document attached

Docket Text:

Arrest (Rule 40) of Donald Ray Broussard, filed. (gkelner, 4)

4:17-mj-00417 *SEALED*-1 No electronic public notice will be sent because the case/entry is sealed.

COURTROOM MINUTES:

The Honorable Stephen Wm Smith Presiding

Deputy Clerk: Jason Marchand

Clerk, U.S. District Court

Southern District of Texas

Filed

3-30-17

David J. Bradley, Clerk

Interpreter Present? ☐ Yes ☒ No ERO S. FuzwaraUSPT/USPO E. TrianiOPEN 207 ADJOURN 2:14☒ OTHER DISTRICT ☐ DIVISION NDTX THEIR CASE#**PROCEEDING HELD:**☒ Initial Appearance☐ Counsel Determination Hearing☐ Status Hearing☐ Bond Hearing☐ Identity☐ Hearing Continued on _____☐ Detention Hearing☐ Preliminary Hearing☐ Other _____CASE NUMBER ☐ CR ☒ MJ 17-474 Defendant # 1AUSA Michael KucinDonald Ray Brucssard☒ Date of arrest 3-30-17☒ Rule 5☒ Defendant's first appearance, Advised of rights/charges on: ☐ Indictment ☐ Information ☐ Complaint
Violation of ☐ Supervised Release ☐ Pretrial Release ☐ Probation☒ Defendant ☐ Material Witness appeared ☐ with ☒ without counsel☒ Defendant requests appointed counsel.☒ Financial Affidavit executed and sworn.☒ Order appointing Federal Public Defender☐ Order appointing private counsel to follow.☐ Order of partial reimbursement to follow. ☐ Oral order, Defendant to Reimburse CJA fund \$ _____☐ Defendant advises that he will retain private counsel. _____☐ Defendant _____ bond set ☐ Cash ☐ Surety ☐ P/R ☐ Unsecured ☐ \$ _____ Deposit☐ Defendant _____ bond set ☐ Cash ☐ Surety ☐ P/R ☐ Unsecured ☐ \$ _____ Deposit☐ Defendant _____ bond set ☐ Cash ☐ Surety ☐ P/R ☐ Unsecured ☐ \$ _____ Deposit☐ Surety signatures required as to Defendant(s) _____☐ Defendant(s) _____ advised of conditions of release☐ BOND EXECUTED ☐ Defendant _____ Released☐ Order of Temporary Detention Pending Hearing entered as to Defendant(s) _____☐ Order of Detention Pending Trial entered as to Defendant(s) _____☐ Bond Continued ☐ Bond reinstated ☐ Bond Revoked☒ Defendant _____ remanded to custody ☐ M/W remanded to custody☐ Defendant Ordered Removed to Originating ☐ District ☐ DivisionDefendant _____ Waiver of ☐ Preliminary ☐ Identity ☐ Detention Hrg ☐ Detention Hrg this District☐ Court finds: ☐ Probable Cause ☐ Identity☒ Defendant(s) 1 is/are scheduled on 3/30/17 at 10am for:☐ Arraignment☐ Counsel Determination Hearing☐ Identity Hearing☐ Detention Hearing☐ Preliminary Hearing☐ Final Revocation Hearing☒ 9:45 Hearing

UNITED STATES DISTRICT COURT

ENTERED
March 30, 2017

David J. Bradley, Clerk

UNITED STATES OF AMERICA

vs.

Donald Ray Brussard

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CRIMINAL CASE H- 17-417M


Order Appointing Counsel

Because the defendant has satisfied this court that he/she cannot afford to employ counsel, the court appoints the Federal Public Defender to represent him/her.

Signed on 3-30-17, in Houston, Texas.

Stephen Wm. Smith
United States Magistrate Judge

By Order of the Court


Deputy Clerk

3-30-17
Date

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants: Federal Public Defender - Houston (hou_ecf@fd.org), Philip G
Gallagher (hou_ecf@fd.org, irene_weaver@fd.org, philip_gallagher@fd.org)
--Non Case Participants:
--No Notice Sent:

Message-Id:25556669@txs.uscourts.gov
Subject:Activity in Case 4:17-mj-00417 USA v. Broussard Notice of Attorney Appearance
Federal Public Defender
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered by Gallagher, Philip on 3/31/2017 at 9:11 AM CDT and filed on 3/31/2017

Case Name: USA v. Broussard

Case Number: 4:17-mj-00417

Filer:

Document Number: No document attached

Docket Text:

NOTICE OF ATTORNEY APPEARANCE Philip G Gallagher, Federal Public Defender, in case as to Donald Ray Broussard, filed.(Gallagher, Philip)

4:17-mj-00417-1 Notice has been electronically mailed to:

Federal Public Defender – Houston hou_ecf@fd.org

Philip G Gallagher philip_gallagher@fd.org, hou_ecf@fd.org, irene_weaver@fd.org

4:17-mj-00417-1 Notice has not been electronically mailed to:

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Donald Ray Brussard
Defendant

Case No.

17-17-417M

APPEARANCE BOND

Defendant's Agreement

I, Donald Ray Brussard (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (X) to appear for court proceedings;
- (X) if convicted, to surrender to serve a sentence that the court may impose; or
- (X) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- () (1) This is a personal recognizance bond.
- (X) (2) This is an unsecured bond of \$ 20,000.00.
- () (3) This is a secured bond of \$ _____, secured by:
 - () (a) \$ _____, in cash deposited with the court.
 - () (b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- () (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

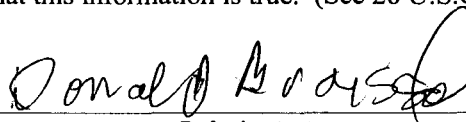
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 3/31/17



Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: 3/31/17



Signature of Clerk or Deputy Clerk

Approved.

Date: 3-31-17



Judge's signature

ENTERED

UNITED STATES DISTRICT COURT

April 03, 2017
SOUTHERN DISTRICT OF TEXAS
David J. Bradley, Clerk

UNITED STATES OF AMERICA

vs.

CRIMINAL NO. H-

17-417M

Donald Ray Brunsard**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to the following conditions:

1. The defendant must not violate any federal, state or local law while on release.
2. The defendant must not intimidate or attempt to intimidate a witness, juror or officer of the court (18 USC § 1503), obstruct a criminal investigation (18 USC § 1510), or tamper with or retaliate against a witness, victim or informant (18 USC §§ 1512 and 1513).
3. The defendant must immediately advise the Court, defense counsel and the Pretrial Services Agency, in writing, before any change in address and telephone number.
4. The defendant must appear in court as required and must surrender to serve any sentence imposed. The defendant must appear at (if blank, to be notified):

_____ on _____
Place Date/Time

RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED BOND

IT IS FURTHER ORDERED that the defendant be released on condition that:

- [X] 5. The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- [X] 6. The defendant executes an unsecured bond binding the defendant to pay the United States the sum of \$ 50,000.00 in the event of a failure to appear as required or to surrender to serve any sentence imposed.

[] The bond shall be signed by the following person(s) as surety:

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, it FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☐ 7. The defendant is placed in the custody of:

(Name of person or organization)

(Address)

(City/State/Zip Code)

(Area Code/Telephone Number)

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy Date

- ☒ 8. The defendant must:

- ☒ a. Report to the **U. S. Pretrial Services Agency - Phone: 713-250-5218**, on a regular basis.
- ☐ b. Execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

- ☐ c. Post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum
_____.
- ☐ d. Execute a bail bond with solvent sureties in the amount of \$ _____.
- ☒ e. Maintain or actively seek employment.
- ☐ f. Maintain or commence an education program.
- ☐ g. Surrender U.S. Passport and/or Foreign Passport to the U.S. Pretrial Services Agency.
- ☒ h. Obtain no passport.

☒ i. Abide by the following restrictions on personal association, place of abode, or travel:

Travel - State of Texas

- ☒ j. Avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to:
- Co-defendants
- ☐ k. Undergo medical or psychiatric treatment or remain in an institution as follows:
- ☐ l. Return to custody each (week) day at _____ o'clock after being released each (week) day at _____ o'clock for employment, schooling, or the following purpose(s):
- ☐ m. Maintain residence at a halfway house or community corrections center, as the Pretrial Services Office or supervising officer considers necessary.
- ☒ n. Refrain from possessing a firearm, destructive device, or other dangerous weapons.
- ☐ o. Refrain from () any () excessive use of alcohol.
- ☒ p. Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- ☐ q. Submit to any testing required by the Pretrial Services Office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.
- ☐ r. Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the Pretrial Services Office or supervising officer considers it advisable.

- ☐ s. Participate in one of the following location monitoring program components and abide by its requirement as the Pretrial Services Office or supervising officer instructs.
- ☐ (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the Pretrial Services Office or supervising officer; or
- ☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the Pretrial Services Office or supervising officer; or
- ☐ (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, and court appearances pre-approved by the Pretrial Services Office or supervising officer.
- ☐ t. Submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the Pretrial Services Office or supervising officer related to the proper operation of the technology.
- ☐ The defendant must pay all or part of the cost of the program based upon your ability to pay as the Pretrial Services Office or supervising officer determines.
- ☐ (i) Location monitoring technology as directed by the Pretrial Services Office or supervising officer;
- ☐ (ii) Radio Frequency (RF) monitoring;
- ☐ (iii) Passive Global Positioning Satellite (GPS) monitoring;
- ☐ (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);
- ☐ (v) Voice Recognition monitoring.
- ☒ u. Immediately report contact with law enforcement to Pretrial Services.
- ☐ v. Special Conditions:
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Advice of Penalties and Sanctions

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 USC § 3148, and a prosecution for contempt as provided in 18 USC § 401 which could result in a possible term of imprisonment or fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years, if the offense is a felony, or to a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself. 18 USC § 3147.

18 USC § 1503 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 USC § 1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 USC § 1512 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 USC § 1513 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 USC § 3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sending, surrender for the service of a sentence, or appeal or certiorari after conviction for:

- ☐ 1. an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- ☐ 2. an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- ☐ 3. any other felony, the defendant shall be fined not more than \$250,000 or imprisoned for not more than two years, or both;
- ☐ 4. a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

I acknowledge that I am the defendant in this case, and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Donald Brussa

Signature of Defendant

Address

City/State/Zip Code

Telephone Number

Direction to United States Marshal

- [] The defendant is ORDERED released after processing.
- ☒ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: March 31, 2017

Stephen Wm. Smith

Stephen Wm. Smith
United States Magistrate Judge

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

vs.

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CRIMINAL NO. H- 17-417M

Donald Ray Brunsard

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to the following conditions:

1. The defendant must not violate any federal, state or local law while on release.
2. The defendant must not intimidate or attempt to intimidate a witness, juror or officer of the court (18 USC § 1503), obstruct a criminal investigation (18 USC § 1510), or tamper with or retaliate against a witness, victim or informant (18 USC §§ 1512 and 1513).
3. The defendant must immediately advise the Court, defense counsel and the Pretrial Services Agency, in writing, before any change in address and telephone number.
4. The defendant must appear in court as required and must surrender to serve any sentence imposed. The defendant must appear at (if blank, to be notified):

_____ on _____
Place Date/Time

RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED BOND

IT IS FURTHER ORDERED that the defendant be released on condition that:

- [X] 5. The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- [X] 6. The defendant executes an unsecured bond binding the defendant to pay the United States the sum of \$ 50,000.00 in the event of a failure to appear as required or to surrender to serve any sentence imposed.

[] The bond shall be signed by the following person(s) as surety:

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, it FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☐ 7. The defendant is placed in the custody of:

(Name of person or organization)

(Address)

(City/State/Zip Code)

(Area Code/Telephone Number)

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy Date

- ☒ 8. The defendant must:

- ☒ a. Report to the **U. S. Pretrial Services Agency - Phone: 713-250-5218**, on a regular basis.
- ☐ b. Execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

- ☐ c. Post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum
_____.
- ☐ d. Execute a bail bond with solvent sureties in the amount of \$ _____.
- ☒ e. Maintain or actively seek employment.
- ☐ f. Maintain or commence an education program.
- ☐ g. Surrender U.S. Passport and/or Foreign Passport to the U.S. Pretrial Services Agency.
- ☒ h. Obtain no passport.

- ☒ i. Abide by the following restrictions on personal association, place of abode, or travel:
Travel - State of Texas
- ☒ j. Avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to:
Co-defendants
- ☐ k. Undergo medical or psychiatric treatment or remain in an institution as follows:
- ☐ l. Return to custody each (week) day at _____ o'clock after being released each (week) day at _____ o'clock for employment, schooling, or the following purpose(s):
- ☐ m. Maintain residence at a halfway house or community corrections center, as the Pretrial Services Office or supervising officer considers necessary.
- ☒ n. Refrain from possessing a firearm, destructive device, or other dangerous weapons.
- ☐ o. Refrain from () any () excessive use of alcohol.
- ☒ p. Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- ☐ q. Submit to any testing required by the Pretrial Services Office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.
- ☐ r. Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the Pretrial Services Office or supervising officer considers it advisable.

- ☐ s. Participate in one of the following location monitoring program components and abide by its requirement as the Pretrial Services Office or supervising officer instructs.
- ☐ (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the Pretrial Services Office or supervising officer; or
- ☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the Pretrial Services Office or supervising officer; or
- ☐ (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, and court appearances pre-approved by the Pretrial Services Office or supervising officer.
- ☐ t. Submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the Pretrial Services Office or supervising officer related to the proper operation of the technology.
- ☐ The defendant must pay all or part of the cost of the program based upon your ability to pay as the Pretrial Services Office or supervising officer determines.
- ☐ (i) Location monitoring technology as directed by the Pretrial Services Office or supervising officer;
- ☐ (ii) Radio Frequency (RF) monitoring;
- ☐ (iii) Passive Global Positioning Satellite (GPS) monitoring;
- ☐ (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);
- ☐ (v) Voice Recognition monitoring.
- ☒ u. Immediately report contact with law enforcement to Pretrial Services.
- ☐ v. Special Conditions:
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Advice of Penalties and Sanctions

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 USC § 3148, and a prosecution for contempt as provided in 18 USC § 401 which could result in a possible term of imprisonment or fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years, if the offense is a felony, or to a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself. 18 USC § 3147.

18 USC § 1503 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 USC § 1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 USC § 1512 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 USC § 1513 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 USC § 3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sending, surrender for the service of a sentence, or appeal or certiorari after conviction for:

- ☐ 1. an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- ☐ 2. an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- ☐ 3. any other felony, the defendant shall be fined not more than \$250,000 or imprisoned for not more than two years, or both;
- ☐ 4. a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned for not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

I acknowledge that I am the defendant in this case, and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Donald Broussard

Signature of Defendant

2801 Waterwall Drive

Address

Houston, TX 77056

City/State/Zip Code

713-340-8203

Telephone Number

Direction to United States Marshal

☐ The defendant is ORDERED released after processing.

☒ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: March 31, 2017

Stephen Wm. Smith

Stephen Wm. Smith
United States Magistrate Judge

COURTROOM MINUTES:

The Honorable Stephen Wm Smith Presiding

Deputy Clerk: Jason Marchand

Clerk, U.S. District Court

Southern District of Texas

Filed

3/31/17

David J. Bradley, Clerk

Interpreter Present? ☐ Yes ☒ No

ERO

S. L. Buehner

USPT/USPO

F. Trosani

OPEN

11:07

ADJOURN

☒ OTHER DISTRICT☐ DIVISION

NDT X

THEIR CASE#

3:16 CR 479

PROCEEDING HELD:☐ Initial Appearance☐ Counsel Determination Hearing☐ Status Hearing☐ Bond Hearing☐ Identity☐ Hearing Continued on _____☐ Detention Hearing☐ Preliminary Hearing☐ Other _____

CASE NUMBER

☐ CR ☒ MJ

17-412M

Defendant #

1

AUSA

Michael Klein

Donald Ray Brunsaid

Larry Mantelero

☐ Date of arrest _____☐ Rule 5☐ Defendant's first appearance, Advised of rights/charges on: ☐ Indictment ☐ Information ☐ ComplaintViolation of ☐ Supervised Release ☐ Pretrial Release ☐ Probation☒ Defendant ☐ Material Witness appeared☒ with☐ without counsel☐ Defendant requests appointed counsel.☐ Financial Affidavit executed and sworn.☐ Order appointing Federal Public Defender☒ Order appointing private counsel to follow.☐ Order of partial reimbursement to follow. ☐ Oral order, Defendant to Reimburse CJA fund \$ _____☐ Defendant advises that he will retain private counsel. _____☒ Defendant 1 bond set ☐ Cash ☐ Surety ☐ P/R ☒ Unsecured ☐ \$ _____ Deposit☐ Defendant _____ bond set ☐ Cash ☐ Surety ☐ P/R ☐ Unsecured ☐ \$ _____ Deposit☐ Defendant _____ bond set ☐ Cash ☐ Surety ☐ P/R ☐ Unsecured ☐ \$ _____ Deposit☐ Surety signatures required as to Defendant(s) _____☒ Defendant(s) 1 advised of conditions of release☒ BOND EXECUTED ☐ Defendant _____ Released☐ Order of Temporary Detention Pending Hearing entered as to Defendant(s) _____☐ Order of Detention Pending Trial entered as to Defendant(s) _____☐ Bond Continued ☐ Bond reinstated ☐ Bond Revoked☒ Defendant _____ remanded to custody ☐ M/W remanded to custody☐ Defendant Ordered Removed to Originating ☐ District ☐ DivisionDefendant 1 Waiver of ☐ Preliminary ☐ Identity ☐ Detention Hrg ☐ Detention Hrg this District☐ Court finds: ☐ Probable Cause☐ Identity☐ Defendant(s) _____ is/are scheduled on _____ at _____ for:☐ Arraignment☐ Counsel Determination Hearing☐ Identity Hearing☐ Detention Hearing☐ Preliminary Hearing☐ Final Revocation Hearing☐ _____ HearingOral motion for FPD to withdraw granted.
Larry Mantelero appointed.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED

April 12, 2017

David J. Bradley, Clerk

UNITED STATES OF AMERICA

§

§

versus

§

Case No. 4:17-mj-00417

§

Donald Ray Broussard

§

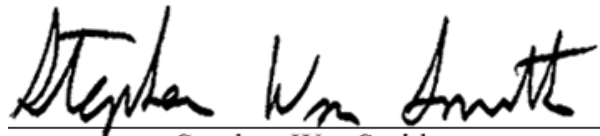
ORDER APPOINTING COUNSEL

Because the Defendant, Donald Ray Broussard, has satisfied this court that (s)he is financially unable to employ counsel and does not wish to waive counsel, and because the interests of justice so require, an attorney is hereby **APPOINTED** to represent this person in the above designated case.

Attorney appointed: Gerardo Montalvo

The appointment **SHALL** remain in effect until terminated or a substitute attorney is appointed or makes an appearance herein on behalf of the Defendant.

Signed on April 12, 2017.



Stephen Wm Smith
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

H-17-0417M

United States of America

v.

Case No.

H-17-0417M

Donald Ray Broussard

Defendant

Charging District's Case No.

3-16CR-479-N

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court)

Northam District of Texas

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 10 days of my first appearance if I am in custody and 20 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ a preliminary or detention hearing to which I may be entitled in this district, and production of the warrant. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

3/31/2017

Donald Broussard

Defendant's signature

Signature of defendant's attorney

G.L. MONTALVO

Printed name of defendant's attorney